
OLR Bill Analysis

HB 6336

AN ACT CONCERNING THE TIMING OF TESTS FOR BLOOD ALCOHOL LEVELS IN OPERATING UNDER THE INFLUENCE CASES.

SUMMARY:

Under current law, a blood alcohol content (BAC) test or analysis must be administered to a person within two hours of his or her operating a motor vehicle or boat for the results to be admissible in a criminal prosecution for operating a motor vehicle or boat while under the influence of drugs or alcohol or having an elevated BAC. The two-hour deadline also applies to an administrative *per se* hearing for operating a motor vehicle under the influence.

This bill allows a BAC test taken after the two-hour deadline to be admissible if evidence is presented that the results and analysis accurately indicate the BAC at the time of the alleged offense. (By law, the BAC level must be confirmed by a second test taken within 10 minutes of the first test.)

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Implied Consent for Administrative Per Se Hearings

By law, a person who drives a vehicle has implicitly consented to submit to drug or alcohol testing. The law establishes administrative license suspension procedures for drivers who refuse to submit to a test or whose test results indicate an elevated BAC (CGS § 14-227b). A 2010 law (1) authorized expert testimony for establishing BAC reliability when a test was performed after the two-hour deadline and (2) eliminated the two-hour deadline for administrative *per se* license suspension proceedings for boating violations.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/07/2013)